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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-  
 defendant

v.

APPLE INC.,

Defendant,  
 Counterclaimant.

Case No. 4:20-cv-05640-YGR

**DEFENDANT APPLE INC.'S RESPONSE TO  
 EPIC GAMES, INC.'S MOTION TO  
 APPOINT SPECIAL MASTER**

1 Defendant Apple Inc. hereby responds to the Motion to Appoint Special Master filed by Epic  
2 Games, Inc.

3 In Pretrial Order Number 2, the Court ordered the parties “to hire a retired judicial officer to  
4 resolve their objections [regarding deposition designations], to the extent that there are any. The Court  
5 is not inclined to read the alleged objectionable designations only to resolve them.” Dkt. 381 at 2.  
6 Apple and Epic have agreed to the engagement of Hon. Elizabeth Laporte (Ret.) to fulfill this role.

7 Epic has now filed a motion to have Magistrate Judge Laporte designated a special master  
8 pursuant to Rule 53, so that this Court will resolve any disputes that remain over Magistrate Judge  
9 Laporte’s rulings on objections to deposition designations. Apple does not agree with Epic’s request  
10 because it is not consistent with the Court’s direction in Pretrial Order No. 2 that “[t]he Court is not  
11 inclined to read the alleged objectionable designations only to resolve them.” *Id.*

12 Magistrate Judge Laporte can efficiently and fully resolve any objections regarding deposition  
13 designations before trial, so that this Court need only read the final deposition designations. Thus  
14 Apple respectfully submits that the Court should deny Epic’s request.

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16 Dated: April 13, 2021

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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19 By: /s/ Ethan D. Dettmer  
Ethan D. Dettmer

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21 Attorney for Defendant Apple Inc.  
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